

REMARKS

In the Office Action dated June 20, 2003, the Examiner asserts that the application includes two distinct inventions and has issued a restriction requirement. Specifically, the Examiner divides the claims into two groups. The Group I claims include claims 1-18, 20, and 21. The Group II claims include claims 19 and 22-28. The Examiner contends that the inventions of Group I and Group II are related as combination and subcombination. Applicant respectfully requests the Examiner to withdraw the restriction requirement.

First, Applicant disagrees with the Examiner's characterization of the Group I and Group II claims as combination and subcombination. Claims 1, 19, and 22 are all directed to the same invention, though the claims vary in the scope. All three claims recite the same novel and inventive elements, namely, a plurality of light source/light sensor pairs for reading a barcode multiple times in a single pass. Claim 1 is a broad claim directed to a barcode scanner with multiple light source/light sensor pairs. The Examiner asserts that claim 1 is drawn to a stationary barcode scanning apparatus. That statement is incorrect. There is nothing in claim 1 which limits it to a stationary barcode scanning apparatus.

Claim 19 is similar in scope to claim 1 except that claim 19 is limited to a manual scanner with multiple light source/light sensor pairs for reading a barcode multiple times during each pass of the scanner over the barcode. Claim 22 is a detailed claim to a manual barcode scanner with a plurality of light source/light sensor pairs. Thus, all of the claims are directed to the same invention but merely vary in scope.

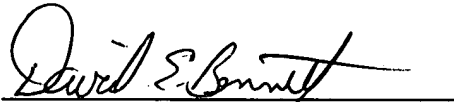
Applicant believes that the claims are more properly considered to be related as generic/species claims. Claim 1 is a generic claim directed generally to scanners of all types, while claims 19 and 22 are species claims directed to manual scanners. In this case, however, the Examiner has already found the generic claim (claim 1) to be allowable. Accordingly, the species claims which include the same novel combination of elements as claim 1 are also allowable.

Even assuming that the Examiner's characterization of the claims is correct, claim 1 would correspond to the combination claim, and claims 19 and 22 would correspond to the subcombination claims. The Examiner has already found claim 1 to be allowable over the prior art made of record. Restriction is never proper between a combination and subcombination when the Examiner finds the novelty to reside in the combination. MPEP § 806.05(b).

For the foregoing reasons, it is respectfully urged that the restriction requirement is improper and Applicant respectfully requests the Examiner to withdraw the restriction requirement.

Respectfully submitted,

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